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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,681	06/11/2001	Limor Schweitzer	XACTP004	4996
28875	7590	11/18/2004	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			HAN, CLEMENCE S	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/879,681	SCHWEITZER, LIMOR	
	Examiner	Art Unit	
	Clemence Han	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/30/01, 10/22/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. Initialed and dated copies of Applicant's IDS form 1449, received on July 30, 2001 and October 22, 2002, are attached to the instant Office action.

Claim Objections

2. Claim 4 and 13 are objected to because of the following informalities: Both claims recite "volume data on the call description record information". However, according to the specification, there is no volume data on the call description record information (see page 6 line 27-28). Meanwhile, the specification discloses volume of data transferred on the IP content usage information (see page 14 line 4-5). Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1-6, 10-15 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Wallenius (US Patent 6,760,417).

Regarding claim 1 and 10, Wallenius teaches a method and computer program product for charging for Internet Protocol usage utilizing a wireless network, comprising: (a) receiving call description record information from a wireless network in real-time, wherein the call description record information is associated with customer communication over the wireless network (Column 5 Line 31-33); (b) collecting Internet Protocol content usage information associated with the transmission of content using an IP during the customer communication in real-time (Column 5 Line 6-18); and (c) charging the customer for the customer communication utilizing the call description record information and the Internet Protocol content usage information (Column 6 Line 1-3).

Regarding claim 2 and 11, Wallenius teaches the call description record information received from a general packet radio service system (Figure 1).

Regarding claim 3 and 12, Wallenius teaches fraud and quality of service monitored in real-time utilizing the call description record information and the Internet Protocol content usage information (Column 5 Line 15-18).

Regarding claim 4 and 13, Wallenius teaches the customer charged for the customer communication based on volume data of the call description record information (“the amount of data transferred” in Column 5 Line 17).

Regarding claim 5 and 14, Wallenius teaches the customer charged for the

customer communication based on time data of the call description record information (“the duration of the service used” in Column 5 Line 16-17).

Regarding claim 6 and 15, Wallenius teaches the customer charged for the customer communication by mapping the Internet Protocol content usage information to the call description record information (Column 5 Line 31-37).

Regarding claim 19, Wallenius teaches a system for charging for Internet Protocol usage utilizing a wireless network, comprising: (a) logic 14 for receiving call description record information from a wireless network in real-time, wherein the call description record information is associated with customer communication over the wireless network (Column 5 Line 31-33); (b) logic 14 for collecting Internet Protocol content usage information associated with the transmission of content using an IP during the customer communication in real-time (Column 5 Line 6-18); and (c) logic 15 for charging the customer for the customer communication utilizing the call description record information and the Internet Protocol content usage information (Column 6 Line 1-3).

5. Claim 20-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Forslow (US Patent 6,608,832).

Regarding claim 20 and 24, Forslow teaches a method and computer program product for altering service over a wireless network based on an Internet

Protocol (IP) address comprising: (a) receiving a call from a mobile communication unit utilizing a wireless network, wherein the mobile communication unit 16 has an IP address associated therewith (Column 9 Line 30-31); (b) identifying the IP address associated with the mobile communication unit (Column 15 Line 26-27); and (c) altering service over the wireless network based on the IP address (Column 15 Line 26-29).

Regarding claim 21 and 25, Forslow teaches the service altered by altering a quality of service of the call (Column 13 Line 6-9).

Regarding claim 22 and 26, Forslow teaches the service altered by altering an access provided to the mobile communication unit during the call (Column 15 Line 33-40).

Regarding claim 23 and 27, Forslow teaches the service altered by altering a prioritization of the call (Column 5 Line 11-13 and Column 13 Line 6-9).

Regarding claim 28, Forslow teaches a system for altering service over a wireless network based on an Internet Protocol (IP) address comprising: (a) logic 116 for receiving a call from a mobile communication unit utilizing a wireless network, wherein the mobile communication unit 16 has an IP address associated therewith (Column 9 Line 30-31); (b) logic 116 for identifying the IP address associated with the mobile communication unit (Column 15 Line 26-27); and (c)

logic 116 for altering service over the wireless network based on the IP address
(Column 15 Line 26-29).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 7-9, 16-18 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallenius in view of Forslow.

Regarding claim 7 and 16, Wallenius teaches a method for charging for Internet Protocol usage utilizing a wireless network, comprising: (a) receiving call description record information from a wireless network in real-time, wherein the call description record information is associated with customer communication over the wireless network (Column 5 Line 31-33); (b) collecting Internet Protocol content usage information associated with the transmission of content using an IP during the customer communication in real-time (Column 5 Line 6-18); and (c) charging the customer for the customer communication utilizing the call description record information and the Internet Protocol content usage information (Column 6 Line 1-3). Wallenius also teaches mobile communication units 110

which are capable of communicating using the wireless network. Wallenius, however, does not teach an Internet Protocol (IP) address assigned to mobile communication units. Forslow teaches an Internet Protocol (IP) address assigned to mobile communication units 16 (Column 9 Line 30-31). It would have been obvious to one skilled in the art to modify Wallenius to assign IP address to mobile communication unit as taught by Forslow in order to establish a network layer bearer communication between the mobile and an external network entity (Column 9 Line 26-29).

Regarding claim 8 and 17, Forslow teaches aspects associated with the customer communication over the wireless network varied based on the IP address (Column 15 Line 26-29).

Regarding claim 9 and 18, Forslow teaches the aspects selected from the group consisting of quality of service, access, and prioritization (Column 5 Line 11-13, Column 13 Line 6-9 and Column 15 Line 33-40).

Regarding claim 29, Wallenius teaches a system comprising: (b) means 14 for receiving call description record information from the wireless network in real-time, wherein the call description record information is associated with customer communication over the wireless network utilizing the mobile communication unit (Column 5 Line 31-33); (c) means 14 for collecting Internet Protocol content usage

information associated with the transmission of content using an IP during the customer communication in real-time (Column 5 Line 6-18); and (e) means 15 for charging the customer for the customer communication utilizing the call description record information and the Internet Protocol content usage information (Column 6 Line 1-3). Wallenius, however, does not teach (a) means for receiving a call from a mobile communication unit of a customer utilizing a wireless network, wherein the mobile communication unit has an IP address associated therewith; and (d) means for altering service over the wireless network based on the IP address. Forslow teaches (a) means 116 for receiving a call from a mobile communication unit of a customer utilizing a wireless network, wherein the mobile communication unit has an IP address associated therewith (Column 9 Line 30-31); and (d) means 116 for altering service over the wireless network based on the IP address (Column 15 Line 26-29). It would have been obvious to one skilled in the art to modify Wallenius to assign IP address to mobile communication unit as taught by Forslow in order to establish a network layer bearer communication between the mobile and an external network entity (Column 9 Line 26-29).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the wireless network in general.

U.S. Patent 6,359,976 to Kalyanpur et al.

U.S. Patent 6,141,404 to Westerlage et al.

U.S. Patent 6,668,046 to Albal

U.S. Patent 6,480,485 to Kari

U.S. Patent 6,747,989 to Sevanto

U.S. Patent 6,396,828 to Liu

U.S. Patent 6,760,416 to Banks et al.

U.S. Pub. 2002/0032800 to Puuskari et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Thursday 7 - 5.

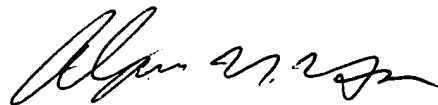
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.H.

Clemence Han
Examiner
Art Unit 2665



ALPUS H. HSU
PRIMARY EXAMINER